

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>526 MURFREESBORO, LLC,</b>	)	
	)	<b>CASE No. 3:23-cv-01239</b>
<b>PLAINTIFF,</b>	)	
	)	<b>JUDGE CAMPBELL</b>
<b>v.</b>	)	<b>MAGISTRATE JUDGE FRENSLEY</b>
	)	
<b>PRIME CAPITAL VENTURES, LLC,</b>	)	<b>JURY DEMAND</b>
	)	
	)	
<b>DEFENDANT.</b>	)	

**PLAINTIFF’S SUGGESTION OF INVOLUNTARY BANKRUPTCY  
OF DEFENDANT**

Plaintiff 526 Murfreesboro, LLC (“526 Murfreesboro”) respectfully suggests to the Court that on December 19, 2023 it, along with two other petitioning creditors, filed an involuntary bankruptcy petition against Defendant in the United States Bankruptcy Court for the Northern District of New York, Case No. 23-11302.

Although Plaintiff is not aware of any controlling Sixth Circuit authority on this point, “[a] majority of courts have taken the position that the automatic stay applies equally upon the filing of an involuntary petition.”<sup>1</sup> Accordingly, Plaintiff respectfully requests that the Court stay this action at this time.

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<sup>1</sup> *In re BankVest Cap. Corp.*, No. 99-47760-JBR, 2003 WL 1700978, at \*6 (D. Mass. Mar. 28, 2003) (collecting majority and minority cases on this point).

Respectfully submitted,

/s/ Michael G. Abelow

Michael G. Abelow (No. 26710)

Frances W. Perkins (No. 40534)

SHERARD ROE VOIGT & HARBISON, PLC

150 3rd Avenue South, Suite 1100

Nashville, TN 37201

(615) 742-4532

[mabelow@srvhlaw.com](mailto:mabelow@srvhlaw.com)

[fperkins@srvhlaw.com](mailto:fperkins@srvhlaw.com)

*Counsel for 526 Murfreesboro, LLC*

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing will be served via email to the persons listed below:

Kris D. Roglieri  
PRIME CAPITAL VENTURES, LLC  
66 South Pearl Street, 10th Floor  
Albany, NY 12207  
kris@primecommercialending.com

Ned Trombly  
BARCLAY DAMON  
80 State St.  
Albany, NY 12207  
(518) 429-4225  
ntrombly@barclaydamon.com

/s/Michael G. Abelow

Michael G. Abelow